

1963

CONGRESSIONAL RECORD — SENATE

727

ian nationalist feelings. The more oppressive was the hand of the government, the more the Ukrainians resented and rebelled against their overlords. As a result, Ukrainian nationalism was kept alive and became a powerful living force in the country. The idea of freedom was carefully nurtured in the people's hearts. And finally, some 250 years later, when the Ukrainians had the chance to regain their freedom toward the end of the First World War, they seized upon it and proclaimed their national independence. The day of that proclamation, January 22, 1918, has become a momentous landmark in modern Ukrainian history, and since then it has been solemnly celebrated as a Ukrainian national holiday.

The Republic which the Ukrainians founded 45 years ago was a frail and fragile being—young, weak, and beyond the reach of aid from its sympathetic friends and well-wishers. It was surrounded by powerful and dangerous enemies. All of them were prepared to pounce upon the new state and put an end to its existence. And the inevitable occurred in 1920: the country was invaded and overrun by the Red army and its independence shattered. Thenceforth the Ukraine became part of the Soviet Union and so it remains to this day.

Today Communist totalitarian tyranny has turned Ukraine into a large prison camp in which more than 42 million freedom-seeking and hard-working Ukrainians are crushed under the grinding steamroller of the Kremlin. There is no freedom of movement, and no freedom of expression. But the irrepressible free spirit of the Ukrainians refuses to be chained, and they retain their high ideals and nurse their national aspirations, even though they cannot celebrate their national holiday, their independence day.

Mr. SCOTT. Mr. President, this day, January 22, marks the 45th anniversary of the proclamation issued by the National Council at Kiev, declaring the Ukraine to be a free and independent Republic.

On January 22, 1918, after a long struggle with their Russian overlords, the Ukrainian people announced to the world that henceforth their fate would be determined by themselves. This, Mr. President, was an historic event. Since the mid-17th century the Ukrainians had slaved under Russian masters; now they would be free to enjoy the advantages of national freedom and personal liberty.

But, unfortunately, the citizens of this land had but a brief time—less than 3 years—to enjoy independence. In 1920, establishing a pattern which was to repeat itself in many of the smaller Eastern European nations, the Soviet Union coldbloodedly overran the Ukraine and proclaimed her people liberated. Mr. President, we know very well that "liberation" by the Soviet Union means the end of human lives and human liberty.

Subsequently the Soviet Union followed a consistent policy of premeditated colonialism in Eastern Europe. It usurped the right of self-government from the unlucky peoples of Latvia, Lithuania, and Estonia. It encroached upon the freedom of Czechoslovakia,

Hungary, and Yugoslavia. Its blood-spattered tentacles turned Poland and Albania into slave states. Mr. President, these are only a few of many examples.

The Ukrainian people have suffered greatly under Communist rule. After the peasants refused to join the Soviet-established collective farms, close to 8 million people died in an enforced famine. Over 2,400,000 Ukrainians were forcibly deported to unknown parts of Siberia.

Mr. President, in my State of Pennsylvania there are a large number of people of Ukrainian birth or descent. I have had the good fortune to know many of these citizens, and understand their dreams, their dedication to their former homeland, their fervent desire to retain their colorful and centuries-old traditions.

The Ukrainians have never forgotten their national heroes. Many Ukrainian organizations and individuals worked hard for legislation—now public law—to authorize a status in honor of Shevchenko, the famous Ukrainian poet and freedom fighter. I am told that the ground for the Shevchenko Memorial here in Washington will be dedicated during this year. We can all view with much inspiration this unquenchable desire by the Ukrainians to keep alive a national heritage.

Mr. President, I join my fellow Americans in bringing congratulations to the Ukrainian people and in the hope that the freedom we enjoy in the United States can become a way of life for all the lands now controlled by communism.

THE CUBAN INVASION FIASCO

Mr. GOLDWATER. Mr. President, now that Attorney General Robert Kennedy has opened for discussion the whole sordid story of the fiasco at the Bay of Pigs in the early days of his brother's administration, I believe the American people are entitled to a full airing of that situation conducted by persons not directly or indirectly involved in the invasion attempt. It is my considered opinion that the Congress of the United States is perhaps the only body that could properly weigh all the evidence available and provide a coherent explanation of what was planned and what actually occurred on that infamous day. I certainly feel that it is long past the time when every official report bearing on the invasion attempt should be made public.

Mr. President, I for one am not content to accept as gospel the highly colored account of the Bay of Pigs story as offered by the Attorney General in an exclusive interview. It strikes me as one of the most deliberate and flagrant uses of the news management devices yet attempted by the Kennedy administration. For, under the guise of news, the Attorney General is engaged in a massive readjustment of facts concerning the invasion attempt to place the New Frontier in a better light. This is plainly and simply a cleanup operation in public relations designed to make the worst mistake of the President's career seem like something entirely different.

The account of the Attorney General's explanation, as copyrighted by the Knight newspapers, contained numerous indications that Mr. Kennedy's whole view of the Bay of Pigs story was as superficial as it was erroneous.

For example, he says that the plan used in the invasion was "planned at the Pentagon in whatever manner they do these things." Now, it strikes me that the Attorney General—one of the two men appointed by the President to study the whole invasion failure—should by this time know in detail how the Pentagon goes about programming any military operation.

In another instance, the Attorney General says:

One of the major mistakes in the American plan was the role played by three or four T-33 jet trainers at the Bay of Pigs.

These trainers were in the hands of Castro's men and, according to Mr. Robert Kennedy, the administration "underestimated what a T-33 carrying rockets could do." He told his interviewer, "they caused us a great deal of trouble."

Mr. President, I don't know how the invasion plan was programed at the Pentagon and apparently neither does the Attorney General. But it seems to me very strange indeed that anyone involved in the plan could have been surprised at what a T-33 jet trainer carrying rockets could do or could not do. Anyone connected with training in the Air Force could have supplied the information. A T-33 jet trainer carries a minimum number of 3½-inch air-to-ground practice rockets whose warheads contain only enough powder to mark the point of impact on a target. It stands to reason that this kind of rocket could not have caused the trouble. So, Mr. President, we have to assume that some other kind of air-to-ground rockets were used—that is, if we adopt the Attorney General's account. And these rockets could have come from only one of two sources, the Soviet bloc, or the United States. I certainly never heard that the Soviets were shipping this kind of equipment to Cuba at that early date, and I certainly would not like to think that the Kennedy administration had any hand in placing such dangerous devices in Castro's hands.

But if rockets carried by T-33's caused so much major trouble at the Bay of Pigs, let the Attorney General tell us what kind of rockets they were and where they came from. This is a highly important point if we take the Attorney General's story seriously.

But if we do not take it seriously—and I certainly do not as of this moment—then we have to recognize why the T-33's played such an important part in the Attorney General's postmortem. The motivation, quite plainly, is political. The purpose is to attach a major portion of the blame for the invasion fiasco at the feet of the Eisenhower administration. If we read the interview story carefully we will find that along with the Attorney General's lament about the trouble caused by three T-33 jet trainers a statement that the planes were given to former Cuban Dictator Batista and inher-

ited by Castro. This, of course, had to happen before the New Frontier came to power.

Mr. President, in the morning paper I read that our esteemed colleague, the Senator from Arkansas (Mr. Fulbright), has said that the President's preeminent task is to educate and lead public opinion. I wonder if it follows that the Attorney General's preeminent task is to tamper with history and brainwash the American people into a belief that the New Frontier can do no wrong?

AMENDMENT OF RULE XXII— CLOTURE

The Senate resumed the consideration of the motion of the Senator from New Mexico (Mr. Anderson) to proceed to the consideration of the resolution (S. Res. 9) to amend the cloture rule of the Senate.

Mr. JOHNSTON. Mr. President, I rise to speak in objection to the ideas and concepts contained in the brief dated January 4, 1963, entitled "Memorandum and brief concerning the need for a new anti-filibuster rule permitting a majority of the total Senate to close debate, and, supporting the proposition that the Senate of the 88th Congress has power to enact such a rule at the opening of the new Congress by majority vote, unfettered by any restrictive rules of earlier Congresses." This memorandum contains basic presumptions with which I cannot agree. I believe the entire basis of this memorandum is in error. For convenience I have divided my remarks in two parts in an effort to correct the false impressions created by this brief. First I would like to speak against the idea that this rules battle is nothing more than a civil rights squabble and a cloak behind which liberals are making a noble battle to assure our citizens a protection of civil rights. On the contrary, I intend to show, using previous debate and the positions taken by great Members in the history of the U.S. Senate, that exactly the opposite is true and that unlimited debate has been the bulwark behind which minorities have steadfastly stood to defend their rights. I feel very deeply that a close look at the history of the Senate debate on this question will show that this is not a civil rights battle, but one which goes to the very essence of our form of government. I feel equally deeply that the proponents of the change of rule XXII are misleading the public, the press, and many Members of the Senate on what this battle is all about.

My early remarks will cover a wide range including such men as La Follette, Borah, Calhoun, Townsend, Dawes, and many others. I believe a study in depth of the history of these men is irrefutable proof that the brief filed by the proponents on this rules change is based on fallacy.

Second, I shall discuss the second major premise of the brief, that is, that the Senate is nothing more than another House of Representatives, is not a continuing body, and only a simple majority is required to do anything to Senate

rules they desire. This particular question has much historical significance and my opponents are not impressed by the most serious scholars and writers on this question. The position of eminent historians and textbook writers as well as the position in the courts, which I shall document in my talk, that the Senate is a continuing body, is dismissed as "dubious academic theory" which the proponents of cloture wish to subject to practical reality. To shed some light on the fallacy contained in this issue I will delve into the practical history of this body and court decisions on this question. I intend to show nothing could be more practical than the 175 years' practice which has given the Senate a wonderful set of rules into which the wisdom of nearly two centuries has gone. These rules must be protected against the onslaught of a temporary majority backed by numerous pressure groups. These are my sincere convictions. I have in the past made my position clear in my three terms in this body and I plead that this evidence and these talks will not be lightly considered by those of us presently enrolled in this battle. For 18 years I have held this same position.

Mr. President, I pointed out in 1961, and I would again like to bring to the attention of the Senate some aspects of this question frequently ignored by the proponents of a more rigid cloture rule of the Senate. I would like to point out that, contrary to popular opinion, we do not have freedom of debate at this time in the U.S. Senate, but, as a matter of fact, two-thirds of those Senators present and voting can require the other one-third, or a total representation of 16 of our sovereign States, to silently watch legislation they detest be passed by this body.

Unfortunately for those who sincerely feel that there are many legitimate reasons why the Senate should have unlimited debate, the American public has been led to believe that there is one reason, and one reason only, why a bare majority vote in the Senate cannot shut off debate, and that the only reason we require a two-thirds vote is because the southern Senators use freedom of debate as a weapon against civil rights legislation.

Mr. President, I can think of no greater disservice that could be done to the citizens of this country than to mislead them about one of our greatest institutions, and to place in their minds the mistaken concept that this battle which has been fought in the U.S. Senate ever since its inception is a civil rights struggle.

Mr. President, there are at least 10 very good reasons why the Senate should have unlimited debate, some of them, of course, much better than others; but each on its own merits a very valid reason for continuing this Senate as the last free forum in the world.

Mr. President, in an effort to shed some light on this subject that has been so clouded by the opponents of free discussion in the Senate, I shall list some of these reasons and discuss them in the

hope that we can disprove the opposition's theory that this is merely a sectional civil rights battle.

Mr. President, one of the reasons why we have traditionally had unlimited debate in the Senate and have not resorted to the majority rule which prevails in most of our other institutions, is the very cogent fact that minorities have rights which no majority should be able to override.

The framers of our Constitution, having full knowledge of this fact, set up the Senate as a separate entity without reference to population of the States whatsoever, so that a simple majority of our population could not trample the rights of a minority. Unfortunately, some of our very largest minority groups who have temporarily gained majority influence over the Congress through bloc voting and propaganda efforts unwisely lose sight of the valuable contribution the Senate has made in the protection of the rights of these very minorities. Unbelievably at this particular time, they are among the most vocal advocates of a change in the very rule which so often has protected them.

Mr. President, another reason that the Senate does not have majority cloture is the realization that many times a majority of Senators do not represent a majority of the people of the United States.

Many times in the past Senators of the large populous States have fought against such changes as are proposed here today because, as they have pointed out, a coalition of smaller States representing a fragment of the population of our country, but a majority in the U.S. Senate could, with a simple majority vote, overwhelm the vote of the Senators of the larger States even though the senatorial minority represented by far a majority of the population, the wealth, and the tax contribution of the United States.

Unfortunately again, many of these Senators are at this time on the other side of this battle and now clamor for majority cloture, losing sight of, or ignoring the fact that their predecessors in their infinite wisdom not only established unlimited debate in the Senate, but fought vehemently to protect their right to speak out at length on any subject.

Mr. President, the advocates of simple majority cloture, in the Senate, which should be termed "gag rule," many times have pointed out that this is the last bastion of freedom of debate anywhere in the world, and have cited foreign parliamentary bodies as well as State senates of the great States of our own Nation as operating under rules which include the previous question rule or simple majority cloture. Each time this comparison has been drawn, the Senators fighting to preserve free speech in this body have pointed out, and I shall point out again, that very little parallel can be drawn between such institutions and the U.S. Senate.

First of all, the U.S. Senate has the unique duty of sitting in appellate capacity, so to speak, to carefully inspect